

The Juvenile Justice and Delinquency Prevention Act of 2002 (JJDP)<sup>1</sup> requires the Board of State and Community Corrections (BSCC) to monitor juvenile detention facilities for compliance with the following core requirement:

**Deinstitutionalization of Status Offenders (JJDP Section 223 (11)(A):**

in accordance with rules issued by the Administrator, provide that a juvenile shall not be placed in a secure detention facility or a secure correctional facility, if—

(i) the juvenile is charged with or has committed an offense that would not be criminal if committed by an adult, excluding—

(I) a juvenile who is charged with or has committed a violation of section 922(x)(2) of title 18, United States Code, or of a similar State law;

(II) a juvenile who is charged with or has committed a violation of a valid court order issued and reviewed in accordance with paragraph (23); and

(III) a juvenile who is held in accordance with the Interstate Compact on Juveniles as enacted by the State; or

(ii) the juvenile—

(I) is not charged with any offense; and

(II)(aa) is an alien; or

(bb) is alleged to be dependent, neglected, or abused;

shall not be placed in secure detention facilities or secure correctional facilities.

Compliance with JJDP core requirements is required for California to receive its portion of Title II Formula Grant Funds for juvenile justice and delinquency prevention and intervention and Title V Community Prevention Grant Funds.

In accordance with the JJDP, the BSCC is required to submit the number of status offenders and non offenders held in secure detention annually to the Office of Juvenile Justice and Delinquency Prevention (OJJDP), in addition to reporting any violations of the JJDP. This survey is designed to assist the BSCC with data collection and reporting requirements.

**Agencies that operate secure juvenile detention facilities** are required to complete the 2023 Status Offender and Non Offender Detention Report each time a status offender (as defined in Section 601 WIC) or non offender is released from the facility.

- A separate Status Offender and Non Offender Detention Report form is to be completed each time a status offender is detained and submitted after the individual has been released.
- If a status offender is committed for consecutive weekends, complete a separate report for each individual detention period. Submit the report each time after the individual has been released.
- This form is to be submitted to the BSCC by the 10<sup>th</sup> of the month when status offenders or non offenders were held and released during the preceding month.
- All sections are to be completed before submission.

**\*\*\*Please be aware that in addition to the JJDP core requirements, WIC §601 and §207 also apply to the detention of status offenders and non offenders\*\*\***

If you have any questions regarding the **2023 Status Offender and Non Offender Detention Report**, please email or call, [analyst@bscc.ca.gov](mailto:analyst@bscc.ca.gov); (916) 323-8621.

<sup>1</sup> Pub. L. No. 93-415 (1974), 34 U.S.C. 5601. For more information on the JJDP and compliance monitoring, please visit: <http://www.ojjdp.gov/compliance/index.html>.

## Summary of the JJDPA: Juvenile Detention or Correctional Facilities

<p><b>Accused (pre-disposition) juvenile status offender</b></p>	<p>Secure hold limited to 24 hours prior to and 24 hours after an initial court appearance (excluding weekends and holidays).</p>
<p><b>Adjudicated (post-disposition) juvenile status offender (WIC §601 Ward of the Court)</b></p>	<p>Secure hold prohibited.</p>
<p><b>Status offender accused of violating a valid court order (WIC §601 Ward of the Court pending finding of contempt of court)</b></p>	<p>Juvenile must be interviewed by an appropriate public agency within 24 hours of being placed in secure custody. The court must receive an assessment from the public agency and the juvenile must have a reasonable cause hearing within 48 hours of being placed in secure custody. Time limits exclude weekends and holidays.</p>
<p><b>Status offender adjudicated for violating a valid court order. (WIC §601 Ward of the Court with a true finding of contempt of court and given confinement time)</b></p>	<p><b>NEW TIME LIMITATION:</b> The JJDPA was reauthorized in 2018 with the passage of the Juvenile Justice Reform Act of 2018 (H.R. 6964). Among its many new requirements, the reauthorization specifies that the length of time may not exceed 7 days that a status offender may be held pursuant to the JJDPA. The time may not be renewed or extended.</p>